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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,026	09/18/2003	Darrin W. Kabel	702.254	9123
7590	01/12/2005			
Devon A. Rolf GARMIN INTERNATIONAL, INC. 1200 East 151st Street Olathe, KS 66062			EXAMINER STONE, JENNIFER A	
			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/667,026

Applicant(s)

KABEL ET AL. 

Examiner

Jennifer A Stone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                                     |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Michaelson et al. (US 6,734,808).

For claim 1, Michaelson discloses a method for marine navigation, comprising (col 2, Ins 11-14 and 35-38): identifying a potential waypoint (Fig. 28, points A-F; col 23, Ins 30-32 and 39-41); and performing a marine route calculation algorithm to analyze a course between a first location and the potential waypoint in view of preselected conditions (col 23, Ins 64-67; col 24, Ins 33-45 and 62-66).

For claim 2, Michaelson discloses performing the marine route calculation algorithm to include analyzing cartographic data that include preselected conditions between the first location and the potential waypoint with a preference for avoiding preselected conditions (col 24, Ins 37-45).

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For claim 3, the marine route calculation algorithm further includes re-routing the course to avoid the preselected conditions when the marine route calculation algorithm identifies one or more preselected conditions between the first location and the potential waypoint (col 24, lns 25-37 and 55-61).

For claim 4, re-routing the course calculated further includes identifying one or more non-user waypoints (determined by the system, not the user) between the first location and the potential waypoint (col 24, lns 41-50 and 55-64).

For claim 5, Michaelson determines a first location on the course based on a signal from a GPS; and analyzing cartographic data for a predetermined area around the first location for preselected conditions (col 7, lns 50-65; col 8, lns 11-21 and 46-51).

For claim 6, an alert signal is provided when the analyzed cartographic data for the predetermined area around the first location includes preselected conditions (col 2, lns 11-14; col 6, lns 13-17).

For claim 7, an alert signal is provided when the analyzed cartographic data for the predetermined data between the first location and the potential waypoint includes preselected conditions (col 6, lns 13-26).

For claim 8, the alert signal includes emitting an audio alert (col 6, lns 15-18; Fig. 2, item 28).

For claim 9, Michaelson discloses providing the alert signal to include displaying a visual alert.

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For claim 10, Michaelson discloses receiving preselected conditions selected from the group of land, water depth, rock(s), sandbars, shelves, tide condition, tidal data, wind conditions, weather conditions, ice, above-water obstacles, underwater obstacles, type of water bottom, and prohibited areas (col 2, Ins 41-43; col 8, Ins 28-36 and 40-52).

3. Claims 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Michaelson et al. (US 6,734,808).

For claim 11, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 1 and 6 as stated above.

For claim 12, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 3 as stated above.

For claim 13, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 4 as stated above.

For claim 14, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 7 as stated above.

For claim 15, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 5 as stated above.

For claim 16, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 6 as stated above.

For claim 17, Michaelson discloses analyzing cartographic data further comprises acquiring cartographic data from a GPS (col 7, Ins 54-56).

For claim 18, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 10 as stated above.

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4. Claims 23-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Michaelson et al. (US 6,734,808).

For claim 23, Michaelson discloses a computer readable medium having a set of computer readable instructions (col 11, lns 38-41), the set of computer readable instructions comprising instructions for: identifying a potential waypoint upon a first event (col 23, lns 30-41); and performing a marine route calculation algorithm to analyze a course between a first location and the potential waypoint in view of preselected conditions (col 27, lns 11-20).

For claim 24, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 2 as stated above.

For claim 25, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 3 as stated above.

For claim 26, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 4 as stated above.

For claim 27, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 5 as stated above.

For claim 28, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 6 as stated above.

For claim 29, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 17 as stated above.

For claim 30, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 7 as stated above.

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For claim 31, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 8 as stated above.

For claim 32, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 9 as stated above.

For claim 33, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 10 as stated above.

5. Claims 34-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Michaelson et al. (US 6,734,808).

For claim 34, Michaelson discloses an electronic marine navigation device, comprising: a processor (col 2, Ins 41-44; Fig. 40, item 486); a location input operatively coupled to the processor (col 5, Ins 12-15; Fig. 40, item 24), wherein the location input receives a first location and a potential waypoint separate from the first location (col 23, Ins 30-32 and 39-41; Fig. 28); and a memory operatively coupled to the processor and the location input (col 31, Ins 18-24; Fig. 40, item 4760), the memory having cartographic data including preselected conditions (Fig. 40, 4800; col 31, Ins 48-51), wherein the processor operates on a marine route calculation algorithm to analyze a course between the first location and the potential waypoint in view of preselected conditions of the cartographic data (col 23, Ins 30-41).

For claim 35, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 2 and 34 as stated above.

For claim 36, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 3 and 34 as stated above.

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For claim 37, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 4 and 34 as stated above.

For claim 38, Michaelson discloses a receiver for a GPS (Fig. 2, GPS, 14; Fig. 40, item 24) operatively coupled to the processor, wherein the processor determines the first location on the course based on a signal received from the GPS (col 7, Ins 50-56), and analyzes cartographic data for a predetermined area around the first location for preselected conditions (col 5, Ins 9-15).

For claim 39, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 6 and 34 as stated above.

For claim 40, the claim is interpreted and rejected for the same reasons as stated in the rejection of claims 7 and 34 as stated above.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horvath et al. (US 6,473,003).

For claim 19, Horvath discloses identifying a user defined graphical filter area on a display; analyzing cartographic data within the user defined graphical filter area for preselected conditions; and providing an alert signal when



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cartographic data within the user defined graphical filter area indicate preselected conditions. Even though Horvath's primary application is aircraft navigation, it would have been obvious one of ordinary skill in the art, at the time the invention was made to apply the disclosure of Horvath to a marine navigation system so that a user has a certain degree of control over the display in order to customize it according to the user's preferences. In addition, the graphical filter area is applied to one or more display maps, such as weather, terrain, and traffic. All of the aforementioned maps are also applied to marine navigation (col 7, lns 26-31).

For claim 20, identifying the user defined graphical filter area includes repositioning the user defined graphical filter area (col 2, lns 26-37).

For claim 21, Horvath includes analyzing cartographic data further comprises acquiring cartographic data from a GPS (col 4, lns 54-56; Fig. 7, item 110, 123-125).

For claim 22, Horvath discloses receiving preselected conditions selected from the group of land, water depth, rock(s), sandbars, shelves, tide condition, tidal data, wind conditions, weather conditions, ice, above-water obstacles, underwater obstacles, type of water bottom, and prohibited areas (col 4, lns 60-63; col 7, lns 26-31; Fig. 7, items 124, 125).

8. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michaelson et al. (US 6,734,808), as applied to claim 34, and further in view of Horvath et al. (US 6,473,003).

Michaelson discloses a processor to operate on the marine route calculation algorithm to analyze cartographic data, wherein the processor

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provides an alert signal when the analyzed cartographic data includes preselected conditions; however, Michaelson does not disclose a user defined graphical filter area. Horvath, on the other hand, does disclose a user defined graphical filter area (col 1, Ins 10-14; col 2, Ins 30, 31, 44-48) wherein a processor operates to analyze cartographic data and provides an alert signal when the analyzed cartographic data for the user defined graphical filter area includes preselected conditions (col 2, Ins 60-63; Fig. 4, 30i). Even though Horvath's primary application is aircraft navigation, it would have been obvious to apply a user defined graphical filter area to a marine navigation system so that a user has a certain degree of control over the display in order to customize it according to the user's preferences.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Clark et al. (US 4,893,127) discloses a marine navigation system that analyzes cartographic data based on preselected conditions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Stone whose telephone number is (571) 272.2976. The examiner can normally be reached 8:00-4:30, M-F.

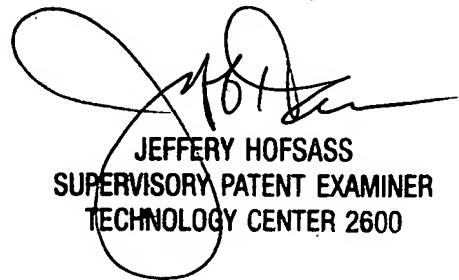
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffery Hofsass can be reached at (571) 272.2981.

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The fax phone number for the organization where this application or proceeding is assigned is (703) 872.9306 for regular and after final communications.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272.2600.

Jennifer Stone  
January 6, 2005



JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600